REMARKS

Claims 15 and 35 were rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

The Examiner states that there is "improper listing of groups within the claims *(i.e. selected from the group consisting of)*." The undersigned respectfully submits that the Markush form of listing of groups within a claim is "selected from the group consisting of" as stated by the Examiner. However, as explained in MPEP 2173.05(h), "if 'wherein R is a material selected from the group consisting of A, B, C and D' is a proper limitation, then 'wherein R is A, B, C or D' shall also be considered proper." Claims 15 and 35 use "or" instead of "selected from the group consisting of," but both forms are proper.

Claims 1-15, 17-35 and 37-41 were rejected as being obvious over Bednar in view of Chen. This rejection is respectfully traversed.

The Examiner acknowledged that "Bednar does not disclose a structured remittance data that is kept hidden from the entity" (page 4, lines 13 and 14, of the Action) of the independent claims. To fill this gap, the Examiner resorts to Chen, stating that "Chen teaches an electronic payment system and method comprising a structured remittance data that is kept hidden from the entity (col. 5, lines 40-60 and col. 6, lines 48-60)" (page 4, lines 16-18, of the Action).

A careful examination of Chen would reveal to persons of ordinary skill in the art that Chen does *not* teach "an electronic payment system and method comprising a structured remittance data that is kept hidden from the entity" as alleged by the Examiner. The portions of Chen relied upon by the Examiner and related portions are quoted below:

> In one embodiment, for example, the cyber wallet is contained on a smartcard which can be inserted into a card reader in a manner similar to the manner in which existing credit or debit cards are used, without the need for entry of additional information. In this embodiment, the cyber wallet can be provided on the card using the procedures described in the above-mentioned copending U.S. patent application Ser. No. 08/285,134. In another embodiment, however, the cyber wallet is in the form of software provided to the consumer by his credit card company or bank, and may be

> stored on the consumer's personal computer rather than being physically carried around like a smartcard.
>
> In either case, the cyber wallet includes what ever information is needed by the account servicer to authorize a transaction and, uniquely, a file containing a plurality of public keys. These public keys are an important feature of cyber wallet because it is these keys that are used to protect the information on the card as it is being transmitted to the merchant. Essentially, the concept of the key file is to use one of the public keys of a public-private key cryptosystem to encrypt the necessary information and send the encrypted information in the form of an "authorization ticket," which can then be forwarded by the merchant together with order information, as necessary, to the account servicer/authenticator in order to obtain authorization from the account servicer which allows the transaction to be completed. By using public keys to encrypt the information, so that the information can only be decrypted by the party in possession of the associated private key, the information can be fully protected as it is passed electronically to the merchant, and from the merchant to the account servicer.

Chen, col. 5, lines 29-60.

> When the merchant receives the authorization ticket, the merchant then embeds or associates it with whatever information the merchant needs to provide the account servicer. The authorization ticket is then forwarded to the account servicer, at which point the account servicer uses the private key associated with the selected public key in order to decrypt the file and verify the status of the account. If the transaction is approved, the account servicer then sends an approval message back to the merchant, together with decrypted information necessary for the merchant's records.
>
> It will of course be appreciated by those skilled in the art that rather than changing public keys by having the merchant instruct the cyber wallet which of a plurality of keys to use based on a key identifier, which may for example be provided to the merchant by the account servicer, which can thus prevent the use of compromised keys, a public key can be replaced by other means, for example by including provision in the cyber wallet for decrypting a new public key which has been encrypted by the old private key.

Chen, col. 6, lines 48-68.

Chen relates to a cyber wallet in the form of a smartcard of a consumer or as software residing on the consumer's personal computer. The information in Chen's cyber wallet is ***not***

kept hidden from the consumer who authorizes the payment. Furthermore, Chen relates to encryption for transmission of encrypted information. Chen keeps the information needed by the account servicer to authorize transaction *hidden from third parties*, ***not*** the entity authorizing a payment on the receipt, as the information is being transmitted to the merchant.

Where does Chen teach "an electronic payment system and method comprising a structured remittance data that is kept hidden from the entity" who is authorizing payment due on a receipt as recited in the claims? Nowhere. Instead, Chen teaches that "the cyber wallet includes what ever information is needed by the account servicer to authorize a transaction and, uniquely, a file containing a plurality of public keys. *These public keys are an important feature of cyber wallet because it is these keys that are used to protect the information on the card as it is being transmitted to the merchant.*" [Emphasis added.] These "public keys" are ***not*** "kept hidden from the entity" that "authorize[s] a payment due on the receipt" as recited in claims 1 and 21 or "specif[ies] payment instructions" as recited in claims 2 and 22.

The disclosure of Chen has nothing to do with "an electronic payment system and method comprising a structured remittance data that is kept hidden from the entity." Thus, the obviousness rejection of independent claims 1, 2, 21 and 22 over Bednar in view of Chen should be withdrawn.

Because the independent claims should be allowable over Bednar and Chen, the remaining dependent claims, including claims 16 and 36, which were rejected as being obvious over Bednar, Chen and further in view of Lawlor, should be also allowable.

A Notice of Allowance is respectfully solicited.

Respectfully submitted,

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